

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARVER W. REED CO.	:	CIVIL ACTION NO.:
Plaintiff,	:	
	:	
v.	:	
	:	
NEW DIAMOND CONNECTION CORP	:	
Defendant	:	

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Pursuant to 28 U.S.C. §1441 et seq., defendant, New Diamond Connection Corp., seeks removal of this civil action from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, defendant New Diamond Connection Corp. states as follows:

1. It is a business located in the state of New York and requests removal on the basis of diversity of citizenship including 28 U.S.C. §1251(b)(3), and that the law upon which the suit is based, 47 U.S.C. § 227, concerns a federal question, giving this court jurisdiction.
2. On or about December 9, 2004 Plaintiff filed a verified complaint in the Court of Common Pleas, Philadelphia, County in which it is alleged that the Defendant violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227. A copy of the complaint is attached as Exhibit “A”.

3. The complaint seeks judgment for \$500.00 statutory damages, and \$1,500.00 for treble damages, minimally.
4. It appears from the complaint that the controversy between the Plaintiff and Defendant stems from the alleged violation of a federal statute.
5. True and correct copies of this Notice of Removal will be filed with the Prothonotary of the Philadelphia County Court of Common Pleas, and served upon Plaintiff's counsel of record.

WHEREFORE, Defendant, New Diamond Connection Corp. requests that the Court remove the action described above to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

/s/Willan Franklyn Joseph
Willan Franklyn Joseph, Esquire
The Professional Building
1831 Chestnut Street, Ste. 700
Philadelphia, PA 19103
(215) 981-0828

Attorney for Defendant

**I IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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Plaintiff,	:	
	:	
v.	:	
	:	
NEW DIAMOND CONNECTION CORP	:	
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CERTIFICATE OF SERVICE

I, WILLAN FRANKLYN JOSEPH, hereby certify that on this 31st day of December 2004, I served by United States Mail, first-class postage prepaid, a true and correct copy of a Notice of Removal upon the following:

Brian C. Hall, Esquire
EISENBERG, ROTHWEILER, SCHLEIFER, WEINSTEIN & WINKLER, P.C.
1634 Spruce Street
Philadelphia, PA 19103

/s/Willan Franklyn Joseph
Willan Franklyn Joseph, Esquire